

By: Birdwell, et al.
(Paddie)

S.B. No. 619

Substitute the following for S.B. No. 619:

By: Holland

C.S.S.B. No. 619

A BILL TO BE ENTITLED

AN ACT

relating to the sunset review process and certain governmental entities subject to that process.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. ENTITIES GIVEN 2021 SUNSET DATE

SECTION 1.01. TEACHER RETIREMENT SYSTEM OF TEXAS. Section 825.006, Government Code, is amended to read as follows:

Sec. 825.006. SUNSET PROVISION. The board of trustees of the Teacher Retirement System of Texas is subject to review under Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The board shall be reviewed during the period in which state agencies abolished in 2021 [~~2025~~], and every 12th year after that year, are reviewed.

SECTION 1.02. ANATOMICAL BOARD OF THE STATE OF TEXAS. Subchapter A, Chapter 691, Health and Safety Code, is amended by adding Section 691.003 to read as follows:

Sec. 691.003. SUNSET PROVISION. The Anatomical Board of the State of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2021.

SECTION 1.03. TEXAS DEPARTMENT OF LICENSING AND REGULATION. Section 51.002, Occupations Code, is amended to read as follows:

Sec. 51.002. APPLICATION OF SUNSET ACT. (a) The Texas Commission of Licensing and Regulation and the Texas Department of

Licensing and Regulation are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission and the department are abolished September 1, 2021.

(b) The review of the commission and department by the Sunset Advisory Commission under this section may not include a review of any program that was transferred to the department on or after September 1, 2016.

SECTION 1.04. TEXAS RACING COMMISSION. Section 2021.008(a), Occupations Code, is amended to read as follows:

(a) The commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, and except as provided by Subsections (b) and (c), the commission is abolished and this subtitle expires September 1, 2021 ~~[2023]~~.

ARTICLE 2. ENTITIES GIVEN 2023 SUNSET DATE

SECTION 2.01. LIMITED REVIEW OF DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES. Section 531.0206(a), Government Code, is amended to read as follows:

(a) The Sunset Advisory Commission shall conduct a limited-scope review of the commission during the state fiscal biennium ending August 31, 2023, in the manner provided by Chapter 325 (Texas Sunset Act). The review must provide:

(1) an update on the commission's progress with respect to the consolidation of the health and human services system mandated by this subchapter, including the commission's compliance with the transition plan required under Section

1 531.0204;

2 (2) an evaluation and recommendations regarding the
3 need to continue the Department of State Health Services as a state
4 agency separate from the commission;

5 (3) an evaluation and recommendations regarding the
6 need to continue the Department of Family and Protective Services
7 as a state agency separate from the commission; and

8 (4) [~~(3)~~] any additional information the Sunset
9 Advisory Commission determines appropriate, including information
10 regarding any additional organizational changes the Sunset
11 Advisory Commission recommends.

12 SECTION 2.02. OFFICE OF INSPECTOR GENERAL, HEALTH AND HUMAN
13 SERVICES COMMISSION. (a) Section 531.102, Government Code, is
14 amended by adding Subsection (y) to read as follows:

15 (y) The Sunset Advisory Commission shall conduct a
16 special-purpose review of the overall performance of the
17 commission's office of inspector general. In conducting the
18 review, the Sunset Advisory Commission shall particularly focus on
19 the office's investigations and the effectiveness and efficiency of
20 the office's processes. The review shall be conducted during the
21 period in which state agencies abolished in 2023 are reviewed. The
22 office is not abolished solely because the office is not explicitly
23 continued following the review required by this subsection. This
24 subsection expires September 1, 2023.

25 (b) Section 14, Chapter 945 (S.B. 207), Acts of the 84th
26 Legislature, Regular Session, 2015, is repealed.

27 SECTION 2.03. TEXAS INVASIVE SPECIES COORDINATING

1 COMMITTEE. Section 776.007(a), Government Code, is amended to read
2 as follows:

3 (a) The committee is subject to Chapter 325 (Texas Sunset
4 Act). Unless continued in existence as provided by that chapter,
5 the committee is abolished and this chapter expires September 1,
6 2023 [~~2021~~].

7 SECTION 2.04. TEXAS JUVENILE JUSTICE BOARD AND TEXAS
8 JUVENILE JUSTICE DEPARTMENT. Section 202.010, Human Resources
9 Code, is amended to read as follows:

10 Sec. 202.010. SUNSET PROVISION. The Texas Juvenile Justice
11 Board and the Texas Juvenile Justice Department are subject to
12 Chapter 325, Government Code (Texas Sunset Act). Unless continued
13 in existence as provided by that chapter, the board and the
14 department are abolished September 1, 2023 [~~2021~~].

15 SECTION 2.05. DIVISION OF WORKERS' COMPENSATION, TEXAS
16 DEPARTMENT OF INSURANCE. Section 31.004(b), Insurance Code, is
17 amended to read as follows:

18 (b) Unless continued as provided by Chapter 325, Government
19 Code, the duties of the division of workers' compensation of the
20 Texas Department of Insurance under Title 5, Labor Code, expire
21 September 1, 2023 [~~2021~~], or another date designated by the
22 legislature.

23 SECTION 2.06. OFFICE OF INJURED EMPLOYEE COUNSEL. Section
24 404.003, Labor Code, is amended to read as follows:

25 Sec. 404.003. SUNSET PROVISION. The office of injured
26 employee counsel is subject to Chapter 325, Government Code (Texas
27 Sunset Act). Unless continued in existence as provided by that

chapter, the office is abolished and this chapter expires September 1, 2023 [~~2021~~].

SECTION 2.07. UPPER GUADALUPE RIVER AUTHORITY. Section 1A(a), Chapter 5, page 1062, Special Laws, Acts of the 46th Legislature, Regular Session, 1939, is amended to read as follows:

(a) The District is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the District were a state agency scheduled to be abolished September 1, 2023 [~~2021~~], and every 12th year after that year.

ARTICLE 3. ENTITIES GIVEN 2025 SUNSET DATE

SECTION 3.01. STATE COMMISSION ON JUDICIAL CONDUCT. Section 33.003, Government Code, is amended to read as follows:

Sec. 33.003. SUNSET PROVISION. The State Commission on Judicial Conduct is subject to review under Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The commission shall be reviewed during the period in which state agencies abolished in 2025, [~~2023~~] and every 12th year after that year, [~~2023~~] are reviewed.

SECTION 3.02. JUDICIAL BRANCH CERTIFICATION COMMISSION. Section 152.001, Government Code, is amended to read as follows:

Sec. 152.001. SUNSET PROVISION. The Judicial Branch Certification Commission is subject to Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The commission shall be reviewed during the period in which state agencies abolished in 2025, [~~2023~~] and every 12th year after that year, [~~2023~~] are

1 reviewed.

2 SECTION 3.03. TEXAS BOARD OF CRIMINAL JUSTICE AND TEXAS
3 DEPARTMENT OF CRIMINAL JUSTICE. Section 492.012, Government Code,
4 is amended to read as follows:

5 Sec. 492.012. SUNSET PROVISION. The Texas Board of
6 Criminal Justice and the Texas Department of Criminal Justice are
7 subject to Chapter 325 (Texas Sunset Act). Unless continued in
8 existence as provided by that chapter, the board and the department
9 are abolished September 1, 2025 [~~2021~~].

10 SECTION 3.04. DEPARTMENT OF INFORMATION RESOURCES. Section
11 2054.005(a), Government Code, is amended to read as follows:

12 (a) The Department of Information Resources is subject to
13 Chapter 325 (Texas Sunset Act). Unless continued in existence as
14 provided by that chapter, the department is abolished and this
15 chapter expires September 1, 2025 [~~2021~~].

16 SECTION 3.05. ANGELINA AND NECHES RIVER AUTHORITY. Section
17 8501.0015(a), Special District Local Laws Code, is amended to read
18 as follows:

19 (a) The authority is subject to review under Chapter 325,
20 Government Code (Texas Sunset Act), but may not be abolished under
21 that chapter. The review shall be conducted under Section 325.025,
22 Government Code, as if the authority were a state agency scheduled
23 to be abolished September 1, 2025 [~~2023~~], and every 12th year after
24 that year.

25 SECTION 3.06. LOWER NECHES VALLEY AUTHORITY. Section
26 8504.0021(a), Special District Local Laws Code, is amended to read
27 as follows:

1 (a) The authority is subject to review under Chapter 325,
2 Government Code (Texas Sunset Act), but may not be abolished under
3 that chapter. The review shall be conducted under Section 325.025,
4 Government Code, as if the authority were a state agency scheduled
5 to be abolished September 1, 2025 [~~2021~~], and every 12th year after
6 that year.

7 SECTION 3.07. PUBLIC UTILITY COMMISSION OF TEXAS. Section
8 12.005, Utilities Code, is amended to read as follows:

9 Sec. 12.005. APPLICATION OF SUNSET ACT. The Public Utility
10 Commission of Texas is subject to Chapter 325, Government Code
11 (Texas Sunset Act). Unless continued in existence as provided by
12 that chapter or by Chapter 39, the commission is abolished and this
13 title expires September 1, 2025 [~~2023~~].

14 SECTION 3.08. OFFICE OF PUBLIC UTILITY COUNSEL. Section
15 13.002, Utilities Code, is amended to read as follows:

16 Sec. 13.002. APPLICATION OF SUNSET ACT. The Office of
17 Public Utility Counsel is subject to Chapter 325, Government Code
18 (Texas Sunset Act). Unless continued in existence as provided by
19 that chapter, the office is abolished and this chapter expires
20 September 1, 2025 [~~2023~~].

21 SECTION 3.09. SABINE RIVER AUTHORITY OF TEXAS. Section
22 2A(a), Chapter 110, Acts of the 51st Legislature, Regular Session,
23 1949, is amended to read as follows:

24 (a) The district is subject to review under Chapter 325,
25 Government Code (Texas Sunset Act), but may not be abolished under
26 that chapter. The review shall be conducted under Section 325.025,
27 Government Code, as if the district were a state agency scheduled to

be abolished September 1, 2025 [~~2021~~], and every 12th year after that year.

SECTION 3.10. TRINITY RIVER AUTHORITY OF TEXAS. Section 1A(a), Chapter 518, Acts of the 54th Legislature, Regular Session, 1955, is amended to read as follows:

(a) The Authority is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the Authority were a state agency scheduled to be abolished September 1, 2025 [~~2023~~], and every 12th year after that year.

ARTICLE 4. ENTITIES GIVEN 2027 SUNSET DATE

SECTION 4.01. TEXAS EDUCATION AGENCY. Section 7.004, Education Code, is amended to read as follows:

Sec. 7.004. SUNSET PROVISION. (a) The Texas Education Agency is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the agency is abolished September 1, 2027 [~~2025~~].

(b) As part of the Sunset Advisory Commission's review of the agency under Subsection (a), the commission in coordination with the agency shall select for review three regional education service centers that serve diverse geographic areas of the state and diverse population sizes. The commission's review of the agency must include an evaluation of the agency's oversight of the centers.

SECTION 4.02. EXPANDED LEARNING OPPORTUNITIES COUNCIL. Section 33.254, Education Code, is amended to read as follows:

1 Sec. 33.254. SUNSET PROVISION. The council is subject to
2 Chapter 325, Government Code (Texas Sunset Act). Unless continued
3 in existence as provided by that chapter, the council is abolished
4 and this subchapter expires September 1, 2027 [~~2023~~].

5 SECTION 4.03. TEXAS A&M FOREST SERVICE. Section 88.1016,
6 Education Code, is amended to read as follows:

7 Sec. 88.1016. SUNSET PROVISION. The Texas A&M Forest
8 Service is subject to Chapter 325, Government Code (Texas Sunset
9 Act). Unless continued in existence as provided by that chapter,
10 the Texas A&M Forest Service is abolished September 1, 2027 [~~2023~~].

11 SECTION 4.04. TEXAS CIVIL COMMITMENT OFFICE. Section
12 420A.004, Government Code, is amended to read as follows:

13 Sec. 420A.004. SUNSET PROVISION. The Texas Civil
14 Commitment Office is subject to Chapter 325 (Texas Sunset Act).
15 Unless continued in existence as provided by that chapter, the
16 office is abolished and this chapter expires September 1, 2027
17 [~~2023~~].

18 SECTION 4.05. TEXAS FACILITIES COMMISSION. Section
19 2152.002, Government Code, is amended to read as follows:

20 Sec. 2152.002. SUNSET PROVISION. The Texas Facilities
21 Commission is subject to Chapter 325 (Texas Sunset Act). Unless
22 continued in existence as provided by that chapter, the commission
23 is abolished and this subtitle, except for Chapter 2170 and Section
24 2157.121, expires September 1, 2027 [~~2021~~].

25 SECTION 4.06. MATERNAL MORTALITY AND MORBIDITY TASK FORCE.
26 Section 34.018, Health and Safety Code, is amended to read as
27 follows:

1 Sec. 34.018. SUNSET PROVISION. The task force is subject to
2 Chapter 325, Government Code (Texas Sunset Act). Unless continued
3 in existence as provided by that chapter, the task force is
4 abolished and this chapter expires September 1, 2027 [~~2023~~].

5 SECTION 4.07. PUBLIC HEALTH FUNDING AND POLICY COMMITTEE.
6 Section 117.002, Health and Safety Code, is amended to read as
7 follows:

8 Sec. 117.002. APPLICATION OF SUNSET ACT. The Public Health
9 Funding and Policy Committee is subject to Chapter 325, Government
10 Code (Texas Sunset Act). Unless continued in existence as provided
11 by that chapter, the committee is abolished and this chapter
12 expires September 1, 2027 [~~2023~~].

13 SECTION 4.08. PERINATAL ADVISORY COUNCIL. Section
14 241.187(1), Health and Safety Code, is amended to read as follows:

15 (1) The advisory council is subject to Chapter 325,
16 Government Code (Texas Sunset Act). Unless continued in existence
17 as provided by that chapter, the advisory council is abolished and
18 this section expires September 1, 2027 [~~2025~~].

19 SECTION 4.09. DEPARTMENT OF STATE HEALTH SERVICES. Section
20 1001.003, Health and Safety Code, is amended to read as follows:

21 Sec. 1001.003. SUNSET PROVISION. The Department of State
22 Health Services is subject to Chapter 325, Government Code (Texas
23 Sunset Act). Unless continued in existence as provided by that
24 chapter, the department is abolished and this chapter expires
25 September 1, 2027 [~~2023~~].

26 SECTION 4.10. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES.
27 Section 40.003, Human Resources Code, is amended to read as

1 follows:

2 Sec. 40.003. SUNSET PROVISION. The Department of Family
3 and Protective Services is subject to Chapter 325, Government Code
4 (Texas Sunset Act). Unless continued in existence as provided by
5 that chapter, the department is abolished and this chapter expires
6 September 1, 2027 [~~2023~~].

7 SECTION 4.11. STATE USE PROGRAM, TEXAS WORKFORCE
8 COMMISSION. Section 122.0012(b), Human Resources Code, is amended
9 to read as follows:

10 (b) The Texas Workforce Commission's authority to
11 administer and oversee the program administered under this chapter
12 is subject to Chapter 325, Government Code (Texas Sunset Act).
13 Notwithstanding any other law, that authority expires September 1,
14 2027 [~~2021~~], unless continued in existence as provided by Chapter
15 325, Government Code.

16 ARTICLE 5. ENTITY GIVEN 2029 SUNSET DATE

17 SECTION 5.01. TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM.
18 Section 865.0011, Government Code, is amended to read as follows:

19 Sec. 865.0011. SUNSET REVIEW. The state board of the
20 pension system is subject to review under Chapter 325 (Texas Sunset
21 Act) but is not abolished under that chapter. The state board shall
22 be reviewed during the period in which state agencies scheduled to
23 be abolished in 2029 [~~2025~~], and every 12th year after that year,
24 are reviewed.

25 ARTICLE 6. ENTITIES REMOVED FROM SPECIFIC SUNSET REVIEW

26 SECTION 6.01. REGIONAL EDUCATION SERVICE CENTERS. The
27 following laws are repealed:

(1) Section 8.010, Education Code; and

(2) Section 2(b), Chapter 916 (S.B. 1404), Acts of the 85th Legislature, Regular Session, 2017.

SECTION 6.02. STATE PROCUREMENT SYSTEM AND RELATED COMPTROLLER AUTHORITY. Sections 2151.0041 and 2151.0042, Government Code, are repealed.

SECTION 6.03. STATE USE PROGRAM, TEXAS COMPTROLLER OF PUBLIC ACCOUNTS. Section 122.0012(a), Human Resources Code, is repealed.

SECTION 6.04. INTERMUNICIPAL COMMUTER RAIL DISTRICTS. Section 173.005, Transportation Code, is repealed.

ARTICLE 7. SUNSET REVIEW PROCESS

SECTION 7.01. DEFINITIONS. Section 325.002(1), Government Code, is amended to read as follows:

(1) "State agency" means an entity ~~[agency]~~ expressly made subject to this chapter.

SECTION 7.02. SUNSET ADVISORY COMMISSION. Section 325.003, Government Code, is amended by amending Subsections (a) and (e) and adding Subsections (a-1) and (e-1) to read as follows:

(a) The Sunset Advisory Commission is a legislative agency that consists of five members of the senate and one public member appointed by the lieutenant governor and five members of the house of representatives and one public member appointed by the speaker of the house. The lieutenant governor and the speaker of the house may serve as one of the legislative appointees.

(a-1) A public member acts on behalf of the legislature when participating on the commission in furtherance of the legislature's

1 duty to provide oversight of executive branch agencies'
2 implementation of legislative priorities.

3 (e) Members other than the lieutenant governor and the
4 speaker are subject to the following restrictions:

5 (1) after a legislative member ~~[an individual]~~ serves
6 two terms ~~[six years]~~ on the commission or a public member serves
7 three terms on the commission, the individual is not eligible for
8 appointment to another term or part of a term;

9 (2) a legislative member who serves a full term may not
10 be appointed to an immediately succeeding term; and

11 (3) a public member may not serve more than two
12 consecutive terms, and, for purposes of this prohibition, a member
13 is considered to have served a term only if the member has served
14 more than half of the term.

15 (e-1) If an individual serves for less than a full term, the
16 term is not counted toward determining the individual's eligibility
17 to serve on the commission under Subsection (e)(1) unless the
18 individual was a member of the commission for each public hearing at
19 which the state agencies being reviewed during the individual's
20 term were discussed.

21 SECTION 7.03. PUBLIC HEARINGS. Section 325.009, Government
22 Code, is amended by adding Subsection (c) to read as follows:

23 (c) Notwithstanding Subsection (a), the commission may not
24 discuss in a public hearing the application to an agency of the
25 criteria provided in Section 325.011(14). The commission staff
26 shall notify the commission of any findings and recommendations
27 regarding the criteria provided in Section 325.011(14).

SECTION 7.04. REPORTS. Section 325.010(b), Government Code, is amended to read as follows:

(b) In the report the commission shall include:

(1) its findings regarding the criteria prescribed by Section 325.011, except Section 325.011(14);

(2) its recommendations based on the matters prescribed by Section 325.012, except recommendations relating to criteria prescribed by Section 325.011(14); and

(3) other information the commission considers necessary for a complete review of the agency.

SECTION 7.05. RECOMMENDATIONS. Section 325.0126, Government Code, is amended to read as follows:

Sec. 325.0126. MONITORING OF RECOMMENDATIONS. During each legislative session, the staff of the commission shall:

(1) monitor legislation affecting agencies that have undergone sunset review immediately before the legislative session;

(2) notify ~~[and shall periodically report to]~~ the members of the commission about any amendment to the legislation prepared under Section 325.012(c) that modifies the commission's ~~[on proposed changes which would modify prior]~~ recommendations for a state agency; and

(3) provide legislative services to support the passage of the legislation prepared under Section 325.012(c) ~~[of the commission]~~.

SECTION 7.06. CONFIDENTIALITY OF INFORMATION. Section 325.019, Government Code, is amended by adding Subsection (d) to

read as follows:

(d) Communications, including conversations, correspondence, and electronic communications, between the commission or its staff and a state agency that relate to a request by the commission for assistance in conducting a review under this chapter are confidential. A state agency's internal communications related to a request for assistance by the commission are confidential, including any information prepared or maintained by the state agency at the request of the commission or its staff. With respect to a document, file, or other record prepared or maintained by the state agency that was created in the normal course of the agency's business and not at the request of the commission, the confidentiality created by this subsection applies only to information in the possession of the commission.

SECTION 7.07. RIVER AUTHORITIES. Section 325.025(b), Government Code, as amended by Chapters 975 (S.B. 2262) and 1046 (H.B. 1920), Acts of the 85th Legislature, Regular Session, 2017, is reenacted to read as follows:

- (b) This section applies to the:
- (1) Angelina and Neches River Authority;
 - (2) Bandera County River Authority and Groundwater District;
 - (3) Brazos River Authority;
 - (4) Guadalupe-Blanco River Authority;
 - (5) Lavaca-Navidad River Authority;
 - (6) Lower Colorado River Authority;
 - (7) Lower Neches Valley Authority;

- 1 (8) Nueces River Authority;
- 2 (9) Red River Authority of Texas;
- 3 (10) Sabine River Authority of Texas;
- 4 (11) San Antonio River Authority;
- 5 (12) San Jacinto River Authority;
- 6 (13) Sulphur River Basin Authority;
- 7 (14) Trinity River Authority of Texas;
- 8 (15) Upper Colorado River Authority; and
- 9 (16) Upper Guadalupe River Authority.

10 ARTICLE 8. TRANSITION AND EFFECTIVE DATE

11 SECTION 8.01. TRANSITION. To the extent of any conflict,
12 this Act prevails over another Act of the 86th Legislature, Regular
13 Session, 2019, relating to nonsubstantive additions to and
14 corrections in enacted codes.

15 SECTION 8.02. EFFECTIVE DATE. This Act takes effect
16 immediately if it receives a vote of two-thirds of all the members
17 elected to each house, as provided by Section 39, Article III, Texas
18 Constitution. If this Act does not receive the vote necessary for
19 immediate effect, this Act takes effect September 1, 2019.